Manitoba

Annual Report 2001 - 2002

Rapport Annuel 2001 - 2002

Intergovernmental Affairs

Surface Rights Board

Affaires intergouvernementales

Commission des droits de surface

Includes 10% post-consumer waste

MINISTER OF
INTERGOVERNMENTAL AFFAIRS

Room 301
Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8
General Office: (204) 945-3788
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The Honourable Peter Liba
Lieutenant Governor of Manitoba
Government House
20 Kennedy Street
Winnipeg MB R3C 1S4

Your Honour:

I have the privilege to present for your information the Annual Report of The Surface Right Board of Manitoba for the fiscal year ending March 31, 2002.

Yours sincerely,

Jean Friesen

Jean Friesen
Minister

Enclosure

102-06157/

Manitoba

Intergovernmental Affairs

The Surface Rights Board

P.O. Box 22080
2022 Currie Boulevard
Brandon MB R7A 6Y9
(204) 726-7026

Honourable Jean Friesen
Minister Responsible for
The Surface Rights Act
301 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Madam:

In accordance with Section 15 of *The Surface Rights Act*, I am pleased to submit the Annual Report of The Surface Rights Board for the fiscal year ending March 31, 2002.

Respectfully submitted,

T.A. Cowan

T.A. (Art) Cowan
Presiding Member

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THE SURFACE RIGHTS BOARD OF MANITOBA

MINISTER RESPONSIBLE FOR *THE SURFACE RIGHTS ACT*

HONOURABLE JEAN FRIESEN

THE BOARD

MR. THOMAS ARTHUR COWAN	PRESIDING MEMBER
MR. DENNIS COCHRANE	DEPUTY PRESIDING MEMBER
MR. IVAN CAREY	MEMBER
MRS. MARGARET HODGSON	MEMBER
MR. CLAUDE TOLTON	MEMBER

COUNSEL

JULIE FREDERICKSON, Q.C.	BOARD SOLICITOR

THE RESPONSIBILITIES OF BOARD MEMBERS

The Surface Rights Act provides for The Surface Rights Board and empowers the Board to administer and enforce The Act. The Board is presently composed of five Members, one of whom is the Presiding Member and another who is designated the Deputy Presiding Member.

Members are appointed by the Lieutenant Governor in Council and represent various geographic, social and economic sectors of the province.

In discharging its responsibility for administration of The Act, the Board may:

(a) Hold sittings from time to time at such times and places in the province as it may deem expedient;

(b) Enter upon and inspect or authorize any Member of the Board or other person to enter upon and inspect any place, building, works or other property directly or indirectly involved in any matter before the Board;

(c) Appoint, or direct, to inquire into and report upon, any matter before the Board. The Members are not full time Board Members, but are paid on a per diem basis.

RESPONSABILITÉS DES MEMBRES DE LA COMMISSION

Constituée conformément à la *Loi sur les droits de surface*, la Commission des droits de surface est chargée d'appliquer et d'exécuter ladite loi. Elle est actuellement composée de cinq membres, dont l'un est désigné président et un autre vice-président.

Les membres de la Commission sont nommés par le lieutenant-gouverneur en conseil. Ils représentent divers secteurs géographiques, sociaux et économiques de la province.

Afin de s'acquitter de ses fonctions relatives à l'administration de la *Loi*, la Commission peut :

(a) tenir des séances dans la province aux dates, heures et lieux qu'elle estime à propos;

(b) pénétrer dans un endroit, un bâtiment, des ouvrages ou d'autres biens directement ou indirectement liés à une affaire dont elle est saisie et les inspecter, ou autoriser un membre de la Commission ou une autre personne à y pénétrer et à les inspecter;

(c) nommer une personne pour enquêter et faire rapport sur une affaire dont elle est saisie ou lui en donner l'ordre. Les membres de la Commission ne sont pas membres à temps plein. Ils reçoivent une rémunération en fonction d'un tarif journalier.

THE PURPOSE OF *THE SURFACE RIGHTS ACT*

The Surface Rights Act was proclaimed to be in force August 9, 1983.

The purposes of The Act are:

(a) To provide for a comprehensive procedure for acquiring and utilizing surface rights.

b) To provide for payment of just and equitable compensation for the acquisition and utilization of surface rights.

(c) To provide for the maintenance, preservation and restoration of the surface of land acquired in connection with surface rights.

(d) To provide for the resolution of disputes between operators, occupants, and owners arising from the entry upon, use or restoration of the surface of the land.

OBJET DE LA *LOI SUR LES DROITS DE SURFACE*

La Loi sur les droits de surface est entrée en vigueur par proclamation le 9 août 1983.

La *Loi* a pour objets :

(a) de prévoir les modalités globales d'acquisition et d'utilisation de droits de surface;

b) de prévoir le paiement d'une indemnité juste et équitable pour l'acquisition et l'utilisation de droits de surface;

(c) de prévoir l'entretien, la conservation et la remise en état de la surface d'un bien-fonds acquise en rapport avec des droits de surface;

(d) de prévoir le règlement des différends qui surviennent entre les exploitants, les occupants et les propriétaires par suite de l'entrée sur la surface d'un bien-fonds ou de l'utilisation ou de la remise en état de cette surface.

POWERS OF THE BOARD

Fulfilling its mandate to provide for the concerns of both landowners and the oil industry in Manitoba, the Board is empowered to:

(a) Administer and enforce the Act and the regulations.

(b) Carry out surveys and research programs and obtain statistics for the purposes of the Board.

(c) Conduct hearings and investigations and determine and prescribe the scope thereof.

(d) Require any person to submit to it such returns in such form as it may require.

(e) Prohibit or require the doing of any act by any of the parties to an application which is before the Board.

(f) Provide mediation services upon the request of the party of a dispute concerning surface rights.

POUVOIRS DE LA COMMISSION

Pour remplir son mandat de s'occuper des préoccupations des propriétaires de bien-fonds et de l'industrie pétrolière du Manitoba, la Commission peut :

(a) appliquer et exécuter la *Loi* ainsi que les règlements;

(b) faire des études, exécuter des programmes de recherche et obtenir des statistiques pour ses besoins;

(c) procéder à des audiences et à des investigations et en déterminer et prescrire le cadre;

(d) exiger qu'une personne lui soumette des déclarations dans la forme qu'elle peut prescrire;

(e) interdire ou exiger l'accomplissement d'un acte par une des parties à une demande dont elle est saisie;

(f) assurer des services de médiation à la demande d'une partie à un différend concernant des droits de surface.

SURFACE RIGHTS BOARD ACTIVITY 2001/02

April 1, 2001 to March 31, 2002

Quarterly Activity Report

	2001 April 1/ June 30 1st Q.	2001 July 1/ Sept. 30 2nd Q.	2001 Oct. 1/ Dec. 31 3rd Q.	2002 Jan. 1/ Mar.31 4th Q.
Signed Agreements For Surface Leases				
Brought Forward	1,805	1,805	1,872	1,888
Received	0	67	16	33
Carried Forward	1,805	1,872	1,888	1,921
Review of Compensation Applications				
Brought Forward	0	0	0	1
Received	0	0	2	1
Settled or Closed	0	0	1	2
Carried Forward	0	0	1	0
Right of Entry Applications				
Brought Forward	0	0	0	0
Received	0	1	0	0
Settled or Closed	0	1	0	0
Carried Forward	0	0	0	0
Tortious Acts				
Brought Forward	0	0	0	0
Received	0	0	0	0
Settled or Closed	0	0	0	0
Carried Forward	0	0	0	0

OTHER APPLICATIONS

Termination of Board Orders

Brought Forward	0	0	0	0
Received	0	1	0	0
Settled or Closed	0	1	0	0
Carried Forward	0	0	0	0

Absentee Mineral Rights Owner

Brought Forward	0	0	0	0
Received	0	0	0	0
Settled or Closed	0	0	0	0
Carried Forward	0	0	0	0

Application For Abandonment Order

Brought Forward	0	0	0	0
Received	0	0	0	0
Settled or Closed	0	0	0	0
Carried Forward	0	0	0	0

Board Orders Issued	0	1	1	2
Mediation Reports	0	1	0	0

FIVE YEAR ACTIVITY SUMMARY	YEAR ENDED MARCH 31				
	2001/02	2000/01	1999/00	1998/99	1997/98
Signed Agreements	116	68	26	24	87
Applications					
Review of Compensation	2	3	3	1	0
Right-of-Entry	1	0	3	5	4
Tortious Acts	0	0	0	0	0
Termination of Board Order	1	0	0	0	0
Absentee Mineral Rights Owner	0	0	0	0	0
Application for Abandonment Order	0	1	0	4	1
Board Orders Issued	4	5	5	6	4
Mediation Reports	1	1	0	0	0

BOARD ORDERS AND REPORTS

The following Board Orders and Reports were prepared and issued by The Surface Rights Board in the fiscal year of 2001/02:

1. Board Order No. 1/2001
   National Fuel Exploration Corp./Robert Harris Heaman
   Termination of Right of Entry Order
   L.S.D. 9-24-11-27 W.P.M.

2. Mediation Report No. 1/2001
   NCE Petrofund Corp/Gerald Dean Temple
   L.S.D. 8-4-2-25 W.P.M.

3. Board Order No. 2/2001
   Lyle Bruce Roberts and Lorraine Annette Roberts/Americ Resources Corp.
   Surface Lease Fencing, Contaminated Sites Clean Up and Annual Compensation Payment Order
   L.S.D. 1-6-9-27 W.P.M.
   L.S.D. 2-6-9-27 W.P.M.
   L.S.D. 7-6-9-27 W.P.M.
   S.W.D. 12-6-9-27 W.P.M.

4. Board Order No. 1/2002
   Gerald Dean Temple/NCE Petrofund Corp.
   Review of Compensation Order
   L.S.D. 1-4-2-25 W.P.M.

5. Board Order No. 2/2002
   Gerald Dean Temple/NCE Petrofund Corp.
   Review of Compensation Order
   L.S.D. 7-4-2-25 W.P.M.